

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING RESOLUTION NO. _____, THE
CITY'S FEES, RATES AND CHARGES RESOLUTION, TO
ADD SECTION 4.02(p), FEES FOR THE MOFFETT PARK
SPECIFIC PLAN (MPSP) AREA**

WHEREAS, the City Council adopted Resolution No. _____, the Master Fee Schedule, on June 20, 2023; and

WHEREAS, on July 11, 2023, the City Council adopted the Moffett Park Specific Plan (MPSP) and rezoned properties within the area covered by the MPSP (Ordinance No. _____); and

WHEREAS, pursuant to Government Code Section 65456, the City is authorized to establish fees to defray the cost of preparation, adoption, and administration of a specific plan which is prorated in accordance with the applicant's relative benefit derived from the specific plan; and

WHEREAS, the City has established the prorated cost of preparation, adoption, and administration of the MPSP based on building valuation and has established the Specific Plan Fee as outlined in Exhibit A to this Resolution; and

WHEREAS, pursuant to Government Code Sections 66000 et seq. (the Mitigation Fee Act), the City is empowered to impose fees and other exactions to provide necessary funding and public facilities required to mitigate the effects of new development projects; and

WHEREAS, the City prepared a nexus study to analyze whether there is a reasonable relationship between the proposed increased development of the MPSP area and the need for improvements to mitigate or offset, to the extent feasible, the impacts of increased traffic congestion caused by future growth authorized by the MPSP; and

WHEREAS, that study, prepared by Hexagon Transportation Consultants, dated May 2, 2023, titled "Moffett Park Specific Plan Update Transportation Impact Fee Nexus Study", demonstrates that such a nexus exists with respect to the identified traffic improvements, and that use of a Transportation Impact Fee for the purpose of those improvements is justified; and

WHEREAS, the City prepared a nexus study to analyze whether there is a reasonable relationship between the proposed increased development of the MPSP area and the need for improvements to mitigate or offset, to the extent feasible, the impacts of future growth authorized by the MPSP on waterlines and sanitary sewers; and

WHEREAS, that study, prepared by BKF Engineers, dated April 2023, titled "Moffett Park Specific Plan Infrastructure Fee Study", demonstrates that such a nexus exists with respect

to the identified waterline and sanitary sewer improvements, and that use of a Utility Infrastructure Fee for the purpose of those improvements is justified; and

WHEREAS, without the authority to impose appropriate fees for projects in the MPSP area, those excess costs would be borne by the City's General Fund, which would constrain the City's ability to fund other programs and services that protect the health, safety, and welfare of the community; and

WHEREAS, pursuant to Government Code Sections 66016, 66015.5, 66017 and 66018, the City has: (1) made available to the public, at least 30 days prior to the public hearing, the nexus study data identifying the existing level of service for each public facility, the proposed new level of service, and an explanation of why the new level of service is appropriate; (2) made available to the public, at least 10 days before the hearing, to the public the data indicating the amount of cost, or the estimated cost, required to provide the public facilities and the revenue sources anticipated to fund those public facilities, including general fund revenues; (3) mailed notice at least 30 days prior to this meeting to all interested parties that have requested noticed of new or increased development fees; and (4) held a duly noticed, regularly scheduled public hearing at which oral and written testimony was received regarding the proposed fees; and

WHEREAS, the City desires to implement the fees applicable to development in the MPSP area as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Section 4.02(o), "Moffett Park Specific Plan (MPSP)" of the Master Fee Schedule is hereby added and adopted as set forth in Exhibit A, attached hereto and incorporated herein, effective September 22, 2023.
2. The fees for the preparation of the MPSP shown in Exhibit A are a reasonable estimate of the costs of providing the services for which the fee will be charged.
3. The City Council finds that there is an essential nexus between the higher intensity development of the MPSP area authorized by the MPSP and the need for transportation improvements and improvements to waterlines and sanitary sewers that will serve the new residents in the MPSP.
4. The Moffett Park Specific Plan Update Transportation Impact Fee Nexus Study and the Moffett Park Specific Plan Infrastructure Fee Study establish a reasonable relationship between the need for the identified improvements and the higher intensity development authorized by the MPSP.
5. The establishment of fees herein is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code 15378(b)(4) because it is related to the creation of government funding mechanisms or other fiscal activities which do not involve any commitment to any specific project.

6. All other provisions of Resolution No. _____-23 shall remain in effect.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
(SEAL)

LARRY KLEIN
Mayor

APPROVED AS TO FORM:

JOHN A. NAGEL
City Attorney

EXHIBIT A City of Sunnyvale Fee Schedule Section 4.02 Planning Permit Fees						
Replace existing 4.02 (e) Moffett Park Specific Plan (MPSP)						
	Fiscal Year 2023/24	New Fee	Oracle Fund	Oracle Program	Natural Account*	Natural Account Title
MPSP MPP	\$481.00	\$1,544.00	6181	10412	432019	Other General Fees
MPSP MPP Design Review - Staff Level	\$475.00	\$1,544.00	6181	10413	432019	Other General Fees
MPSP Minor SDP	\$2,176.00	\$2,720.00	6181	10411	430718	Minor Permit Application Fees – Other
MPSP Minor SDP Plan Review	\$1,179.00	\$2,355.00	6181	10411	430718	Minor Permit Application Fees – Other
MPSP Major SDP	\$5,950.00	\$6,623.00	6181	10410	430715	Major Permit Application Fees – Other
MPSP Major SDP Plan Review	\$2,355.00	\$6,695.00	6181	10410	430715	Major Permit Application Fees – Other
MPSP Site Master Plan*		\$4,067.00 per lot acre	6181	10412	432019	Other General Fees
MPSP Development Agreement Deposit	\$7,700.00	\$15,400.00	6181	10409	432012	Legislative Action Fees
MPSP Development Agreement Actual Cost		Deposit + Actual Cost Including All Salary, Benefits and Materials	6181	10409	432012	Legislative Action Fees
MPSP Transportation Impact Fee						MPSP Transportation Impact Fee
Residential*		\$1,859.00 per 1,000 net new sq. ft.	3113	00001	TBD	
Office		\$7,119.57 per 1,000 net new sq. ft	3113	00001	TBD	

R+D		\$3,876.22 per 1,000 net new sq. ft	3113	00001	TBD	
Hotel		\$2,333.64 per 1,000 net new sq. ft. of guest rooms	3113	00001	TBD	
Retail/ Commercial		Fee Waived	3113	00001	TBD	
MPSP Plan Fee		0.17% Construction Valuation	TBD	TBD	TBD	MPSP Maintenance Fee
MPSP Utility Infrastructure Costs – Water						MPSP Infrastructure Fee -- Water
Residential*		\$1.49 sq. ft	6085	00001	TBD	
Office/R+D		\$1.21 sq. ft	6085	00001	TBD	
MPSP Utility Infrastructure Costs – Sewer						MPSP Wastewater Infrastructure Fees
Residential*		\$1.48 sq. ft	6085	00001	432012	
Office/R+D		\$1.21 sq. ft	6085	00001	432012	
* Residential fee based on habitable square feet						